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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,279	06/29/2001	Murari Kumar	10559/474001/P11160	7193
20985	7590	02/22/2005	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			FAROOQ, MOHAMMAD O	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/895,279

Applicant(s)

KUMAR, MURARI

Examiner

Mohammad O. Farooq

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-15,19-23 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 3-5,16-18 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1,2, 9-11, 14, 15 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Moiin, U.S. Pat. No. 6,108,699.
2. As to claim 1, Moiin teach method, comprising:
receiving a request for configuration information from the second network device (item 502, fig. 5); and
determining whether to respond to the request based on at least one of (i) lapse of a predetermined time period, and (ii) whether another device on the network issues a response to the request (col. 7, lines 8-30; items 406, 416, fig. 4).
3. As to claim 2, Moiin teach method, wherein the predetermined time period is unique to the first network device relative to other devices on the network (col. 7, lines 8-30; col. 9, lines 17-36).

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4. As to claim 9, Moliin teach system comprising:

a first network device which receives a request for configuration information (fig. 1; item 502, fig. 5);

a second network device (one of the node in fig. 1); and

a third network device which issues the request (another of the node in fig. 1);

wherein the first network device is configured to respond to the request within a first time period and the second network device is configured to respond to the request within a second time period if the first network device does not respond to the request within the first time period (col. 7, lines 8-61; items 406, 416, fig. 4).

5. As to claim 10, Moliin teach system, wherein the second network receives a response to the requested issued by the first network device, compares information in the response to stored configuration information, and determines whether to reconfigure itself based on the comparison (col. 3, line 64 – col. 4, line 50; col. 7, line 8 – col. 8, line 51).

6. As to claim 11, Moliin teach system, wherein if the information in the response does not match the stored configuration information, the second network device reconfigures itself (inherent; col. 7, line 41 – col. 8, line 65).

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7. As to claim 14, Moin teach article, comprising:

receive a request for configuration information from the second network device (item 502, fig. 5); and

determine whether to respond to the request based on at least one of (i) lapse of a predetermined time period, and (ii) whether another device on the network issues a response to the request (col. 7, lines 8-30; items 406, 416, fig. 4).

8. As to claim 22, Moin teach apparatus, comprising:

memory that stores executable instructions (item 204A, fig. 2); and

a processor that executes the instructions (item 202A, fig. 2) to:

receive a request for configuration information from the second network device (item 502, fig. 5); and

determine whether to respond to the request based on at least one of (i) lapse of a predetermined time period, and (ii) whether another device on the network issues a response to the request (col. 7, lines 8-30; items 406, 416, fig. 4).

9. Claims 15 is article and 23 is apparatus claims of method claim 2. Moin teach method as set forth in claim 2. Therefore, Moin also teach article and apparatus as set forth in claims 15 and 23 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-8, 12, 13, 19-21 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moin, U.S. Pat. No. 6,108,699 in view of Mellquist, U.S. Pat. No. 6,115,545.

11. As to claims 6-8, Moin teach method, wherein the first network device comprises one of a peer of the second network device (i.e. cluster; col. 9, line 16 – col. 10, line 58).

Moin does not teach router solicitation and an address mask request; router advertisement and an address mask reply; and a router to an external network.

Mellquist teaches router solicitation and an address mask request; router advertisement and an address mask reply; and a router to an external network (item 31, fig. 1; item 45 and 46, fig. 3; col. 3, lines 4 – 60; col. 5, line 12 – col. 6, line 34). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Moin and Mellquist because that would provide simplified configuration of a network device in a TCP/IP environment which is beneficial to novice network users (col. 3, line 65 – col. 4, line 4).

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12. Claims 12 and 13 are system claims of method claims 6 and 7. Moiin and Mellquist in combination teach method as set forth in claims 6 and 7. Therefore, Moiin and Mellquist in combination also teach system as set forth in claims 12 and 13.

13. Claims 19-21 are article claims of method claims 6-8. Moiin and Mellquist in combination teach method as set forth in claims 6-8. Therefore, Moiin and Mellquist in combination also teach article as set forth in claims 19-21.

14. Claims 27-29 are apparatus claims of method claims 6-8. Moiin and Mellquist in combination teach method as set forth in claims 6-8. Therefore, Moiin and Mellquist in combination also teach apparatus as set forth in claims 27-29.

Allowable Subject Matter

15. Claims 3-5, 16-18 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad O. Farooq whose telephone number is (571) 272-4144. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
February 14, 2005